

Executive Summary – Enforcement Matter – Case No. 50580
ZANELLI FAMILY PARTNERSHIP, LTD.
RN107068876
Docket No. 2015-0786-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Choice Trailer Manufacturing, 25825 Farm-to-Market Road 529 near Katy, Harris County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 25, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,039

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$120

Total Due to General Revenue: \$1,919

Payment Plan: 19 payments of \$101 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Docket No. 2015-0786-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 4, 2015 through May 15, 2015

Date(s) of NOE(s): May 15, 2015

Violation Information

1. Failed to collect a routine distribution water sample for coliform analysis [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
2. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") each quarter by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
3. Failed to collect lead and copper samples at the required five sample sites, have the samples analyzed at a TCEQ approved laboratory, and submit the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(A) and (i)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Begin complying with applicable coliform monitoring requirements by conducting routine coliform monitoring and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six months of compliant monitoring and reporting;
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs; and
 - iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper samples are collected, analyzed by an approved laboratory, and the results reported to the ED within ten days following the end of each monitoring period.

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- b. Within 45 days, submit written certification demonstrating compliance with a.ii. and a.iii.;
- c. Within 90 days:
 - i. Begin complying with the lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the ED by the tenth day of the month following the end of the monitoring period. This provision will be satisfied upon two semiannual compliant monitoring periods; and
 - ii. Begin submitting DLQORs to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- d. Within 225 days, submit written certification to demonstrate compliance with a.i.
- e. Within 285 days, submit written certification to demonstrate compliance with c.ii.
- f. Within 465 days, submit written certification to demonstrate compliance with c.i.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2571; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Enrique Zanelli, Managing Member, ZANELLI FAMILY PARTNERSHIP, LTD., 25825 Farm-to-Market Road 529, Katy, Texas 77493-7922
Gloria Hernandez, Administrator, ZANELLI FAMILY PARTNERSHIP, LTD., 25825 Farm-to-Market Road 529, Katy, Texas 77493-7922
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	18-May-2015	PCW	28-May-2015	Screening	26-May-2015	EPA Due	30-Sep-2015
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RESPONDENT/FACILITY INFORMATION

Respondent	ZANELLI FAMILY PARTNERSHIP, LTD.		
Reg. Ent. Ref. No.	RN107068876		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	50580	No. of Violations	3
Docket No.	2015-0786-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	50.0%	Enhancement	Subtotals 2, 3, & 7	\$550
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Notes: Enhancement for ten NOV's with the same/similar violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$397
Estimated Cost of Compliance	\$608

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,650
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OTHER FACTORS AS JUSTICE MAY REQUIRE	23.6%	Adjustment	\$389
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation Nos. 1, 2, and 3.

Final Penalty Amount	\$2,039
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,039
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$2,039
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Screening Date 26-May-2015

Docket No. 2015-0786-PWS-E

PCW

Respondent ZANELLI FAMILY PARTNERSHIP, LTD.

Policy Revision 4 (April 2014)

Case ID No. 50580

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107068876

Media [Statute] Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	10	50%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for ten NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 50%

Screening Date 26-May-2015 Respondent ZANELLI FAMILY PARTNERSHIP, LTD. Case ID No. 50580 Reg. Ent. Reference No. RN107068876 Media [Statute] Public Water Supply Enf. Coordinator Ryan Byer Violation Number 1	Docket No. 2015-0786-PWS-E Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A)(i) and Tex. Health & Safety Code § 341.033(d)	PCW <small>Policy Revision 4 (April 2014) PCW Revision March 26, 2014</small>	
Violation Description Failed to collect a routine distribution water sample for coliform analysis for the months of October 2014 through February 2015.			
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Release Actual Potential	Harm Major Moderate Minor <input type="text"/> <input type="text"/> <input type="text"/> <input checked="" type="text"/> <input type="text"/> <input type="text"/>	Percent 15.0%
	>> Programmatic Matrix		
	Falsification <input type="text"/>	Major Moderate Minor <input type="text"/> <input type="text"/> <input type="text"/>	Percent 0.0%
Matrix Notes	Failure to collect routine distribution coliform samples may expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.		
Adjustment		\$850	
		\$150	
Violation Events			
Number of Violation Events <input type="text" value="5"/>		<input type="text" value="151"/> Number of violation days	
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty \$750
	weekly	<input type="text"/>	
	monthly	<input checked="" type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Five monthly events are recommended (one for each month).			
Good Faith Efforts to Comply		Reduction \$0	
Before NOE/NOV NOE/NOV to EDRP/Settlement Offer Extraordinary <input type="text"/> <input type="text"/> Ordinary <input type="text"/> <input type="text"/> N/A <input checked="" type="text"/> (mark with x)			
Notes The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$750	
Economic Benefit (EB) for this violation Statutory Limit Test			
Estimated EB Amount <input type="text" value="\$133"/>		Violation Final Penalty Total <input type="text" value="\$1,390"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$1,390"/>	

Economic Benefit Worksheet

Respondent ZANELLI FAMILY PARTNERSHIP, LTD.
 Case ID No. 50580
 Reg. Ent. Reference No. RN107068876
 Media Public Water Supply
 Violation No. 1

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$125	1-Oct-2014	28-Feb-2015	1.33	\$8	\$125	\$133
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect a routine distribution coliform sample (\$25 per sample x five missed samples), calculated for the months sampling was not conducted.

Approx. Cost of Compliance

\$125

TOTAL

\$133

Screening Date 26-May-2015

Docket No. 2015-0786-PWS-E

PCW

Respondent ZANELLI FAMILY PARTNERSHIP, LTD.

Policy Revision 4 (April 2014)

Case ID No. 50580

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107068876

Media [Statute] Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the first through fourth quarters of 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 4

365 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Four single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$371

This violation Final Assessed Penalty (adjusted for limits) \$371

Economic Benefit Worksheet

Respondent ZANELLI FAMILY PARTNERSHIP, LTD.
Case ID No. 50580
Reg. Ent. Reference No. RN107068876
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	4-May-2015	29-Dec-2015	0.65	\$1	n/a	\$1
Training/Sampling	\$100	4-May-2015	29-Dec-2015	0.65	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The record keeping system and training/sampling delayed costs include the estimated amount to update the Facility's operational guidance, process procedures, and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, calculated from the record review date to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$88	10-Apr-2014	10-Jan-2015	1.67	\$7	\$88	\$95
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The one-time avoided costs include the estimated amount to prepare and submit DLQORs (\$22 per report x four missed reports), calculated from the date the report was due for the first quarter of 2014 to the date the report was due for the fourth quarter of 2014.

Approx. Cost of Compliance

\$233

TOTAL

\$100

Screening Date 26-May-2015

Docket No. 2015-0786-PWS-E

PCW

Respondent ZANELLI FAMILY PARTNERSHIP, LTD.

Policy Revision 4 (April 2014)

Case ID No. 50580

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN107068876

Media [Statute] Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.117(c)(2)(A) and (i)(1)

Violation Description

Failed to collect lead and copper samples at the required five sample sites, have the samples analyzed at a TCEQ approved laboratory, and submit the results to the Executive Director for the July 1, 2014 through December 31, 2014 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect lead and copper samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

184 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$150

One semiannual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$164

Violation Final Penalty Total \$278

This violation Final Assessed Penalty (adjusted for limits) \$278

Economic Benefit Worksheet

Respondent ZANELLI FAMILY PARTNERSHIP, LTD.
 Case ID No. 50580
 Reg. Ent. Reference No. RN107068876
 Media Public Water Supply
 Violation No. 3

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	4-May-2015	29-Dec-2015	0.65	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The record keeping system delayed costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper samples are collected by the Facility's personnel at approved sample locations, analyzed by the Facility's laboratories, and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	1-Jul-2014	31-Dec-2014	1.42	\$11	\$150	\$161
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to collect and have all lead and copper samples analyzed (\$30 per sample x five samples x one monitoring period), calculated for the monitoring period in which the samples were required.

Approx. Cost of Compliance

\$250

TOTAL

\$164



Compliance History Report

PUBLISHED Compliance History Report for CN604505370, RN107068876, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN604505370, ZANELLI FAMILY PARTNERSHIP, LTD.	Classification: NOT APPLICABLE	Rating: N/A
Regulated Entity:	RN107068876, CHOICE TRAILER MANUFACTURING	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	25825 FARM-TO-MARKET ROAD 529 NEAR KATY, HARRIS COUNTY, TEXAS		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1013520		

Compliance History Period:	September 01, 2009 to August 31, 2014	Rating Year:	2014	Rating Date:	09/01/2014
Date Compliance History Report Prepared:	May 26, 2015				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	May 26, 2010 to May 26, 2015				

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Ryan Byer	Phone: (512) 239-2571
------------------------	------------------------------

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | NO |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	07/02/2014	(1252157)	CN604505370
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)		

30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 1Q2014 - The system failed to monitor and/or report distribution
 disinfectant residuals to the TCEQ for the 1st quarter of 2014 within the required
 timeline.

- 2 Date: 10/23/2014 (1252157) CN604505370
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2014 - The system failed to monitor and/or report distribution
 disinfectant residuals to the TCEQ for the 2nd quarter of 2014 within the required
 timeline.
- 3 Date: 01/13/2015 (1252157) CN604505370
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.109(f)(5)
 30 TAC Chapter 290, SubChapter F 290.109(f)(7)
 Description: TCR Routine MR Violation 10/2014 - Failure to collect and/or submit any routine
 monitoring samples within the required timeline.
- 4 Date: 01/14/2015 (1252157) CN604505370
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 3Q2014 - The system failed to monitor and/or report distribution
 disinfectant residuals to the TCEQ for the 3rd quarter of 2014 within the required
 timeline.
- 5 Date: 01/28/2015 (1252157) CN604505370
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 Description: LCR IN MR 2nd 6M2014 - The system failed to monitor and/or report distribution lead
 and copper levels to the TCEQ for the initial six-month monitoring period from
 07/01/2014 to 12/31/2014 within the required timeline.
- 6 Date: 02/06/2015 (1252157) CN604505370
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.109(f)(5)
 30 TAC Chapter 290, SubChapter F 290.109(f)(7)
 Description: TCR Routine MR Violation 11/2014 - Failure to collect and/or submit any routine
 monitoring samples within the required timeline.
- 7 Date: 02/20/2015 (1252157) CN604505370
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.109(f)(5)
 30 TAC Chapter 290, SubChapter F 290.109(f)(7)
 Description: TCR Routine MR Violation 12/2014 - Failure to collect and/or submit any routine
 monitoring samples within the required timeline.
- 8 Date: 03/31/2015 (1252157) CN604505370
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.109(f)(5)
 30 TAC Chapter 290, SubChapter F 290.109(f)(7)
 Description: TCR Routine MR Violation 01/2015 - Failure to collect and/or submit any routine
 monitoring samples within the required timeline.
- 9 Date: 04/08/2015 (1252157) CN604505370
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2014 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the 4th quarter of 2014 within the required
timeline.

10 Date: 04/28/2015 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 02/2015 - Failure to collect and/or submit any routine
monitoring samples within the required timeline.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 5/26/2010 and 5/26/2015

- 1* Date: 07/02/2014 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2014 - The system failed to monitor and/or report distribution
 disinfectant residuals to the TCEQ for the 1st quarter of 2014 within the required
 timeline.
- 2 Date: 10/23/2014 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2014 - The system failed to monitor and/or report distribution
 disinfectant residuals to the TCEQ for the 2nd quarter of 2014 within the required
 timeline.
- 3 Date: 01/13/2015 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.109(f)(5)
 30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 10/2014 - Failure to collect and/or submit any routine
 monitoring samples within the required timeline.
- 4 Date: 01/14/2015 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2014 - The system failed to monitor and/or report distribution
 disinfectant residuals to the TCEQ for the 3rd quarter of 2014 within the required
 timeline.
- 5 Date: 01/28/2015 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR IN MR 2nd 6M2014 - The system failed to monitor and/or report distribution lead
 and copper levels to the TCEQ for the initial six-month monitoring period from
 07/01/2014 to 12/31/2014 within the required timeline.
- 6 Date: 02/06/2015 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.109(f)(5)
 30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 11/2014 - Failure to collect and/or submit any routine
 monitoring samples within the required timeline.
- 7 Date: 02/20/2015 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 30 TAC Chapter 290, SubChapter F 290.109(f)(5)
 30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 12/2014 - Failure to collect and/or submit any routine
 monitoring samples within the required timeline.
- 8 Date: 03/31/2015 (1252157) CN604505370
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 01/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

9 Date: 04/08/2015 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2014 within the required timeline.

10 Date: 04/28/2015 (1252157) CN604505370
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 02/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

Appendix B

All Investigations Conducted During Component Period May 26, 2010 and May 26, 2015

Item 1 May 12, 2015 (1252157)
Item 2 May 15, 2015 (1252234)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ZANELLI FAMILY PARTNERSHIP,
LTD.
RN107068876**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-0786-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ZANELLI FAMILY PARTNERSHIP, LTD. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 25825 Farm-to-Market Road 529 near Katy, Harris County, Texas (the "Facility") that has approximately two service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted from May 4, 2015 through May 15, 2015, TCEQ staff documented that the Respondent did not collect a routine distribution water sample for coliform analysis for the months of October 2014 through February 2015.
3. During a record review conducted from May 4, 2015 through May 15, 2015, TCEQ staff documented that the Respondent did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the first through fourth quarters of 2014.
4. During a record review conducted from May 4, 2015 through May 15, 2015, TCEQ staff documented that the Respondent did not collect lead and copper samples at the required five sample sites, have the samples analyzed at a TCEQ approved laboratory, and submit the results to the Executive Director for the July 1, 2014 through December 31, 2014 monitoring period.
5. The Respondent received notice of the violations on or about May 20, 2015.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to collect a routine distribution water sample for coliform analysis, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to collect lead and copper samples at the required five sample sites, have the samples analyzed at a TCEQ approved laboratory, and submit the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A) and (i)(1).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction;

for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of Two Thousand Thirty-Nine Dollars (\$2,039) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid One Hundred Twenty Dollars (\$120) of the administrative penalty. The remaining amount of One Thousand Nine Hundred Nineteen Dollars (\$1,919) of the administrative penalty shall be payable in 19 monthly payments of One Hundred One Dollars (\$101) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Two Thousand Thirty-Nine Dollars (\$2,039) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ZANELLI FAMILY PARTNERSHIP, LTD., Docket No. 2015-0786-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin complying with applicable coliform monitoring requirements by

conducting routine coliform monitoring and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six months of compliant monitoring and reporting.

- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
 - iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper samples are collected, analyzed by an approved laboratory, and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.ii. and 2.a.iii.;
- c. Within 90 days after the effective date of this Agreed Order:
- i. Begin complying with the lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the Executive Director by the tenth day of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon two semiannual compliant monitoring periods; and
 - ii. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:
- DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- d. Within 225 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include

detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i.;

- e. Within 285 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.ii.;
- f. Within 465 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.i. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not

effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission or the Executive Director. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon Morales
For the Executive Director

11/19/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of ZANELLI FAMILY PARTNERSHIP, LTD. I am authorized to agree to the attached Agreed Order on behalf of ZANELLI FAMILY PARTNERSHIP, LTD., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, ZANELLI FAMILY PARTNERSHIP, LTD. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;

and

- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Gloria Hernandez
Signature

8/21/2015
Date

Gloria Hernandez
Name (Printed or typed)
Authorized Representative of
ZANELLI FAMILY PARTNERSHIP, LTD.

ADMIN
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.